

Massachusetts

SS:

District: United States

Prisoner No: 296025 Case No:

0010448100532Hol

Motion Under 28 USC § 2255 to Vacate, Set Aside,
or Correct Sentence By a Person in Federal Custody

United States of America

v.

Alton Ray Chantileau

1) Now comes the defendant
in titled Matter, in Pursuant to Mass. Gen. Laws Rule 30.
And Respondent Respectfully Moves this Honorable Court to all this
defendant's Motion to Vacate, and Set Aside, or Correct Sentence.

United States of America v.
Taylor, II, Fod 149, 152 (11th Cir. 1994)

Massachusetts SS.

District: United States

Prisoner No: 29025 Case No:

000448100532M01

United States OF America
vAFFidavit: In Support of defendant's Motion to Vacate,
And Withdraw his Guilty Plea,now comes the defendant
Defendant Motion to Vacate, And withdraw his Guilty Plea,
AS Reasons here-in this Defendant States the Following

- (1) Defendant _____ priso in Support of facts the defendant
Mentioned in the above Captioned Matter.
- (2) Defendants is in fact Presently held at the Plymouth County
Correctional Facility.
- (3) Defendants did in fact on the date of _____
Enter a Guilty Plea,
- (4) Defendants Was in fact Co-forst into pleading Guilty by his
Attorney.
- (5) Defendants was in fact unaware of the Nature of the Charge
In Which he Plead Guilty.
- (6) Defendants did not understand the true nature of his
Guilty Plead.
- (7) Defendants Plea was Not Made Intelligently, Nor Voluntarily.
The Judge failed to determine the lack of understanding
as to the defendants Guilty Plea.

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- (1) Table of Authorities
- Issues Presented
- Statement of the Case
- Statement of the Facts.

Arguments of Case

- (1) the Court Should permit This defendants Motion to Vacate and Withdraw his Guilty Plea, Because this defendant was Never Completely Informed of the Elements of the Crime and Could Not Therefore Make an knowing, intelligent, willing, and voluntary plea to Such Charge.
- (2) The defendant's Constitutional right to effective assistance of Counsel who did not Explain the Elements of the Charge, was in fact Breached Counsel had in fact Co-hort Defendant by Certain Gestures when Defendant didn't understand Certain Questions asked by the Judge taken this defendant's Guilty Plea, defendant's Attorney did not properly Pre- pare for trial, in a Manner that was not StraightForward or Honest in this defendant's Best Interest's.
- 3 Justice is not done, And therefore warrant for Defendant withdraw Where as defendant Plead Guilty without a true understanding of the proceedings as a Matter of Constitutional due Process, A Guilty Plea... Must later be Set Aside unless record Shows Affirmatively that the defendant Entered the plea freely and Understandingly.

CONCLUSIONS

(1) Given the unexplainable Elements, And their Complex Nature,
Given that defence Counsel did not testify that he had gone
Over the Elements with this defendant, Given the facts of this
Case, This defendant can not be Said to have been Properly
Informed of the Elements or to have known, Intelligent, and
Voluntary Plea Guilty.
Given the fact that defendant knew only what his Attorney
Co-Horst him into doing by Pre-Arranged Signal.
Given the facts as a result of this defendant's lack of
Understanding the plea Proceeding,
Defendant's Motion to Vacate, and Set aside or Correct Sentence
Should be Allowed.

(1) Record of Appendix: 00104481005324101
(2) Docket Entry Numbers: 00104481005324101
(3) Indictment Numbers: 00104481005324101

Defendant's Motion to Vacate and Set aside, or Correct sentence
Affidavit in Support of Motion to Vacate and Set aside, or Correct
Sentence.
Affidavit of Indigency, and Request for Waiver
Motion to Appoint Counsel

Table of Authorities

United States of America v. Gigot
147 F.3d 1193, 1197 (10th Cir. 1998)

United States of America v. Brewster
137 F.3d 853, 857 (3rd Cir. 1998)

United States of America v. Siegel.
102 F.3d 2481 (11th Cir. 1996)

United States of America v. Taylor
11 F.3d 1249, 132, (11th Cir 1994)

United States of America v. Mardello
927 F.2d 1463, 1467 (9th Cir. 1991)

Issues Presented

- (1) The Standard:
A Post Sentence, Motion to Vacate and Set aside or Correct Sentence, is treated as a Motion for a New trial Pursuant to R.Crim.P.35.
- (2) it Should be granted if it appears that Justice was not Properly done.
- (3) Justice is not done and Motion to Vacate and Set aside or Correct Sentence, is therefore Warranted, where a Defendant Pleads Guilty without an understanding of the Proceedings, as a Matter of Constitutional due process.
- (4) A defendant's Plea is not Entered into freely and understandingly unless he Comprehends the nature of the Crime to which He is Pleading Guilty.
- (5) If the defendant is ignorant of a Critical Element of an Offense, his Plea of Guilty to that offense can not Serve as An intelligent admission of Guilty.

Post Conviction Remedies for Alien Prisoners

(ii) the unknowing aliens Prisoner May find himself faced with the double punishment of serving his Criminal Sentence And deportation, Because the Immigration Consequences of a Criminal Conviction Can be quite Severe, the Court And legislatures in Several States have Provided the alien Defendant with some new grounds for Possible Post Conviction Relief, In Certain States, California, Connecticut, Massachusetts, Oregon, Washington. Defendant Who Plead Guilty Unaware Of the Immigration Consequences of his /her Plea May Now Be able to have his /her guilty Plea Set aside on that Ground.

Washington, have enacted Statutes which require the Court to inform the defendant of the possible deportation consequences of a guilty plea, if the Court does not follow this procedure in these States it may Render the guilty plea invalid and subject to a Motion to Vacate.

Respectfully Submitted
Also Ray Charlton

Date 3/17/04